

CONSERVING ECOSYSTEMS BY CEASING THE
IMPORTATION OF LARGE ANIMAL TROPHIES ACT

DECEMBER 21, 2020.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 2245]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2245) to amend the Endangered Species Act of 1973 to prohibit import and export of any species listed or proposed to be listed under such Act as a threatened species or endangered species, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Conserving Ecosystems by Ceasing the Importation of Large Animal Trophies Act” or the “CECIL Act”.

SEC. 2. AMENDMENT TO PROHIBITED ACTS.

Section 9(a) of the Endangered Species Act of 1973 (16 U.S.C. 1538(a)) is amended by adding at the end the following:

“(3) Except as provided in section 10 of this Act, it is unlawful for any person to import into or export from the United States any sport-hunted trophy of a species listed or proposed to be listed under section 4(c) as a threatened species or endangered species.”.

SEC. 3. IMPORTS OF SPORT-HUNTED TROPHIES.

Section 10(a) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)) is amended by adding at the end the following:

“(3) Before issuing any permit under this Act authorizing import of any sport-hunted trophy of a species that is listed or proposed to be listed as an endangered or threatened species, the Secretary must make a finding after public notice and comment pursuant to section 553 of title 5, United States Code, of whether the country where the animal was killed adequately provides for the conservation and monitoring for that species, including that—

“(A) a management plan for that species based on the best available science that—

- “(i) addresses existing threats to the species;
 - “(ii) provides a significant conservation benefit to the species;
 - “(iii) formally coordinates with adjacent countries to protect transboundary populations; and
 - “(iv) ensures that any take is sustainable and does not contribute to the species’ decline in either the short-term or long-term according to current population estimates derived through the use of the best available science;
- “(B) such management plan is being actively implemented;
- “(C) the country where the animal was killed demonstrates transparency, accountability, and verifiability in governance to ensure that any benefits of trophy hunting, including revenue from such taking, materially, directly and substantially benefits the conservation of that species;
- “(D) hunting of the species in such country enhances the propagation or survival of the species; and
- “(E) the local community in which the trophy hunting occurs directly and substantially benefits from the hunting of the species.

“(4) Notwithstanding subsections (b) and (c)(2) of section 9, no permit may be issued by the Secretary for the import of a sport-hunted trophy of an elephant or lion taken in Tanzania, Zimbabwe, or Zambia.”.

SEC. 4. PERMIT FEES FOR SPORT-HUNTED TROPHY IMPORTS.

Section 10(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(2)) is amended by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following:

“(C) No permit may be issued by the Secretary under this Act for import of a sport-hunted trophy unless the applicant pays to the Secretary all administrative costs incurred by the United States that are associated with processing the permit application.”.

SEC. 5. TRANSPARENCY OF SPORTS-HUNTED TROPHY IMPORT PERMITS.

Section 10(c) of the Endangered Species Act of 1973 (16 U.S.C. 1539(c)) is amended by inserting “The Secretary shall publish notice in the Federal Register of each application for an exemption or permit which is made under this Act for a sport-hunted trophy of a species that is listed or proposed to be listed as an endangered species or threatened species.” after “section.”

SEC. 6. TERMINATION OF INTERNATIONAL WILDLIFE CONSERVATION COUNCIL.

The International Wildlife Conservation Council of the United States Fish and Wildlife Service is hereby abolished.

SEC. 7. GOVERNMENT ACCOUNTABILITY OFFICE STUDY.

(a) **IN GENERAL.**—Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall conduct and submit to the Congress a report on the results of a study of the effectiveness of trophy hunting in supporting international wildlife conservation efforts.

(b) **REPORT.**—The report shall—

- (1) include a detailed analysis of how permit fees and other payments from hunters to government entities and hunting guides in host countries are applied to tangible actions supporting the conservation of the target species and other wildlife in such countries;
- (2) identify data gaps and recommend information that hunters and host countries must submit to verify the impacts of trophy hunting on wildlife conservation efforts; and
- (3) recommend actions that the Department of the Interior and the Congress should take to ensure that trophy hunting contributes to conservation.

Amend the title so as to read:

A bill to amend the Endangered Species Act of 1973 to strengthen protections for endangered and threatened species, as well as species proposed to be listed, by requiring certification by the Fish and Wildlife Service that any international trophy hunting of those

species enhances the conservation of the species before any import of the trophy would be permitted, and for other purposes.

PURPOSE OF THE BILL

The purpose of H.R. 2245 is to amend the Endangered Species Act of 1973 to strengthen protections for endangered and threatened species, as well as species proposed to be listed, by requiring certification by the Fish and Wildlife Service that any international trophy hunting of those species enhances the conservation of the species before any import of the trophy would be permitted, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

“Trophy hunting” occurs when the primary motivation of a hunt is to obtain animal parts, such as tusks, hides, or the taxidermized animal. According to an analysis of U.S. Fish and Wildlife Service (FWS) trophy import data, about 1,200 different species of animals are hunted and killed as trophies, and between 2005 and 2014, more than 1.26 million wildlife trophies were imported to the United States.¹ Popular African destinations for American trophy hunters include Mozambique, Namibia, Tanzania, Zambia, and Zimbabwe. The most sought-after animals in Africa are often called the Big Five: African buffalo or Cape buffalo, African elephants, African leopards, African lions, and rhinoceroses. Between 2005 to 2014, nearly 32,500 trophies of the Big Five species were imported into the United States.²

Trophy hunting licenses for Big Five species are expensive, with minimum price tags ranging from \$12,000 to over \$76,000, depending on the animal and country. Often these fees are intended to pay for maintenance of wildlife reserves or distributed to the communities neighboring the wildlife reserves where the hunts take place. Additionally, the meat from the animals may be donated to local villages, making trophy hunting popular with some communities. The effectiveness of these arrangements has yet to be proven, and some of the governments of the countries in which these hunts occur deal with corruption, making it very difficult to trace the fees. Furthermore, some experts claim that the fee charged to trophy hunters is a small amount compared to the conservation needs of the species.³

Proponents of trophy hunting argue that hunting fees benefit species by funding private land conservation and helping local communities whose members might otherwise kill wildlife encroaching on livestock.

Cases in which trophy hunting has had a positive effect on the conservation of a target species include carefully managed and ethical habitat conservation efforts at both the local and national level, and conservative, meticulously planned trophy hunting.

¹ THE HUMANE SOC’Y OF THE U.S. & HUMANE SOC’Y INT’L, TROPHY HUNTING BY THE NUMBERS: THE UNITED STATES’ ROLE IN GLOBAL TROPHY HUNTING 1 (2016), http://www.hsi.org/wp-content/uploads/assets/pdfs/report_trophy_hunting_by_the.pdf.

² *Id.* at 22 (counting *Loxodonta africana* and *Ceratotherium simum simum*, but not *Loxodonta cyclotis*, *Diceros bicornis*, or *Ceratotherium simum cottoni*).

³ See, e.g., John Vidal, Craig Packer: ‘Cecil the Lion’s Killer Was Unlucky and Not Altogether to Blame,’ THE GUARDIAN (Oct. 4, 2015), <https://www.theguardian.com/environment/2015/oct/04/craig-packer-interview-cecil-the-lion-killer>.

However, in many countries trophy hunting often does not result in the intended boost to conservation. One of the largest concerns surrounding trophy hunting is corruption, which can include “exceeding quotas, allowing hunting outside of rangelands, accepting bribes to overlook illegal activities, and using funds for nonconservation activities.”⁴ Corruption may lead to local people allowing, and even assisting, poachers.⁵ Additionally, researchers found that in many areas, the percentage of hunting fees that go toward local communities is disproportionately small: in Cameroon, Zambia, and Tanzania, only approximately 3 percent, 12 percent, and 3 percent, respectively, of trophy hunting revenues have gone toward local communities.⁶

While proponents of trophy hunting frequently cite hunting fees as a significant revenue generator for the host countries, the overall contribution is far less than that of other forms of tourism. A 2017 economic study of eight African countries found that trophy hunting has low economic value as a wildlife-related activity and that 0.78 percent or less of the \$17 billion generated from tourism spending came from trophy hunters.⁷

The overall population trends of many trophy-hunted animals are grim. For example, from 2006 to 2015, the U.S. imported more than 20,000 bone carvings, 3,000 skin pieces, and nearly 4,000 hunting trophies from giraffes alone.⁸ In 2016, the International Union for the Conservation of Nature (IUCN) changed the threat status of giraffes from “least concern” to “vulnerable.”⁹ In the case of lions, the IUCN estimates that as few as 23,000 adults may exist, and also lists them as vulnerable.¹⁰ From 2005 to 2014, approximately 5,600 African lion trophies were imported into the United States.¹¹

The CECIL Act was first introduced in the 114th Congress following international outrage over the death of Cecil the lion, who was killed by an American trophy hunter. The hunter reportedly paid local hunters and guides \$50,000 for the hunt, which took place on the private wildlife refuge of Gwaai Conservancy, in Zimbabwe, adjacent to Hwange National Park.¹² Cecil was shot

⁴PERVAZE A. SHEIKH, CONG. RESEARCH SERV., R45615, INTERNATIONAL TROPHY HUNTING 22 (2019).

⁵See, e.g., Annette M Hübschle, *The Social Economy of Rhino Poaching: Of Economic Freedom Fighters, Professional Hunters and Marginalized Local People*, 65(3) CURRENT SOC. 427 (2017), <https://doi.org/10.1177/0011392116673210>.

⁶SHEIKH, *supra* note 4, at 19.

⁷CAMERON K. MURRAY, ECONOMISTS AT LARGE (prepared for HUMANE SOC’Y INT’L), THE LION’S SHARE? ON THE ECONOMIC BENEFITS OF TROPHY HUNTING 3 (2017), <https://www.hsi.org/wp-content/uploads/assets/pdfs/economists-at-large-trophy-hunting.pdf>.

⁸Jason Daley, *Americans Have a Surprisingly Large Appetite for Giraffe Parts*, SMITHSONIAN MAG. (Aug. 24, 2018), <https://www.smithsonianmag.com/smart-news/americans-have-surprisingly-large-appetite-giraffe-parts-180970126/>; see also HUMANE SOC’Y INT’L, U.S. MARKET FOR GIRAFFE PARTS UNCOVERED (2018), <https://www.hsi.org/wp-content/uploads/assets/pdfs/giraffe-report-HSI-HSUS-082318.pdf>.

⁹See Z. Muller, F. Bercovitch, R. Brand, D. Brown, M. Brown, D. Bolger, K. Carter, F. Deacon, J.B. Doherty, J. Fennessy, S. Fennessy, A.A. Hussein, D. Lee, A. Marais, M. Strauss, A. Tutchings & T. Wube, *Giraffa camelopardalis (amended version of 2016 assessment)*, THE IUCN RED LIST OF THREATENED SPECIES 2018 (2018), <http://dx.doi.org/10.2305/IUCN.UK.2016-3.RLTS.T9194A136266699.en> (last accessed on June 25, 2019).

¹⁰H. Bauer, C. Packer, P.F. Funston, P. Henschel & K. Nowell, *Panthera leo (errata version published in 2017)*, THE IUCN RED LIST OF THREATENED SPECIES 2016 (2016), <http://dx.doi.org/10.2305/IUCN.UK.2016-3.RLTS.T15951A107265605.en> (last accessed on June 25, 2019).

¹¹THE HUMANE SOC’Y OF THE U.S. & HUMANE SOC’Y INT’L, *supra* note 1, at 3.

¹²Kyle Swenson, *Cecil the Lion ‘Suffered Incredible Cruelty for at Least 10 Hours,’ New Book Says*, WASH. POST (Mar. 7, 2018), www.washingtonpost.com/news/morning-mix/wp/2018/03/07/cecil-the-lion-suffered-incredible-cruelty-for-at-least-10-hours-new-book-says/?utm_term=.df66330e77ee.

with an arrow after being lured out of the protected area and tracked for at least 10 hours before finally being killed.¹³

Despite the international backlash from the killing of Cecil the lion and trophy hunting in general, the Trump administration then weakened protections for endangered wildlife and made it easier to hunt large animals for trophies. In direct contradiction of President Trump’s characterization of trophy hunting as a “horror show,” then-Secretary of the Interior Ryan Zinke overturned an Obama-era ban on trophy hunting imports from Zimbabwe and Zambia by allowing trophy imports on a case-by-case basis and created the widely criticized and duplicative International Wildlife Conservation Council (IWCC). Amid a lawsuit over the IWCC, Secretary David Bernhardt disbanded the panel in December 2019.¹⁴

First, FWS traditionally has considered the importation of trophies of certain Endangered Species Act (ESA)—listed species on a nation-by-nation basis through “enhancement findings.” The U.S. Court of Appeals for the District of Columbia found flaws in Obama administration decisions to ban certain trophies from Zimbabwe, such as implementing enhancement findings without a public comment period.¹⁵ The case was argued by Safari Club International¹⁶ (which promotes trophy hunting) and the National Rifle Association (NRA). In response, in March 2018, FWS revoked the enhancement findings and overturned the Obama-era decisions, allowing hunters to import trophies acquired in certain African nations on a case-by-case basis, rather than nation-by-nation.¹⁷ Although the administration claims applicants will still face the same conservation and sustainability standards, critics of the FWS move argue there is a lack of transparency for each case, making it difficult to ensure that species populations are being conserved.¹⁸ Additionally, the case-by-case basis approach creates a higher workload for FWS employees.

The CECIL Act would require FWS to conduct the enhancement findings process (and allow for public comment) before issuing an importation permit.

Second, the IWCC was an advisory committee created by the Trump administration specifically to “provide advice and recommendations . . . focused on increased public awareness domestically regarding the conservation, wildlife law enforcement, and economic benefits that result from United States citizens traveling to foreign nations to engage in hunting.”¹⁹ Its sixteen members consisted mostly of National Rifle Association members and celebrated

¹³ *Id.*

¹⁴ Michael Doyle, *Interior Disbands Trophy Hunting Panel*, E&E News (Feb. 10, 2020), <https://www.eenews.net/stories/1062315355>.

¹⁵ *Safari Club Int’l v. Zinke*, No. 16-5358, slip op. at 3, 24 (D.C. Cir. Dec. 22, 2017), <https://www.cadc.uscourts.gov/internet/opinions.nsf/B1CC447E18C6CB95852581FE0055A684/%24file/16-5358-1710175.pdf>.

¹⁶ <https://www.safariclub.org/>.

¹⁷ Memorandum from Principal Deputy Dir., U.S. FWS, to Assistant Dir., Int’l Aff., U.S. FWS (Mar. 1, 2018), <https://www.fws.gov/international/pdf/memo-withdrawal-of-certain-findings-ESA-listed-species-sport-hunted-trophies.pdf> (“Withdrawal of Certain Findings for ESA-listed Species Taken as Sport-Hunted Trophies”).

¹⁸ See, e.g., Rachel Nuwer, *U.S. Lifts Ban on Some Elephant and Lion Trophies*, N.Y. TIMES (Mar. 7, 2018), <https://www.nytimes.com/2018/03/07/science/trump-elephant-trophy-hunting.html>.

¹⁹ U.S. FWS, International Wildlife Conservation Council Charter, <https://www.fws.gov/iwcc/pdf/international-wildlife-conservation-council-charter.pdf>.

trophy hunters;²⁰ many in the conservation community complained of the IWCC's lack of conservation advisors. In addition, two bodies already existed that can achieve the mandates of the IWCC: the Advisory Council on Wildlife Trafficking and the Federal Inter-agency Task Force on Wildlife Trafficking.

Section 6 of H.R. 2245, as reported, would have terminated the IWCC. However, after the Committee ordered the bill reported in September 2019, the council expired in December 2019 and was not renewed.

While trophy hunting, in the rare cases that it is done responsibly with proper oversight, could be argued to provide benefits for conservation, an objective review of the matter should be conducted before the U.S. government promotes this controversial—and potentially detrimental—practice.

The CECIL Act:

- Extends trophy import and export protections for species listed under the ESA to include species that are proposed for listing. Strengthening the ESA in this way would prevent the rush to take animal trophies before a listing is finalized, such as the upticks in trophy hunting that happened when both polar bears and lions were proposed to be listed.
- Directs the Government Accountability Office (GAO) to identify what evidence, if any, exists to support the idea that trophy hunting in foreign countries contributes to wildlife conservation and to recommend reforms for the industry based on its findings.
- Requires that trophy imports to the U.S. of species that are listed under the ESA or proposed to be listed under the ESA enhance the conservation of the species in the country in which they were hunted and requires the Secretary of the Interior to produce new rigorous enhancement findings with public comment.
- Prohibits the imports of elephants and lions from Tanzania, Zimbabwe, and Zambia, to address the Trump administration's overturning of Obama-era rules.
- Requires trophy importers to cover the full costs of the FWS trophy hunting import program. According to a Report by the Democratic staff of the Natural Resources Committee, the current permit fees cover only 8 percent of the cost of the trophy permit program, with taxpayers footing the bill for the other 92 percent.²¹
- Strengthens language in the ESA mandating public notice in the Federal Register when an exemption or permit application for an endangered or threatened species has been filed.

COMMITTEE ACTION

H.R. 2245 was introduced on April 10, 2019, by Chair Raúl M. Grijalva (D-AZ). The bill was referred to the Committee on Natural Resources, and in addition to the Committee on Foreign Affairs and the Committee on Ways and Means. Within the Natural Resources

²⁰ U.S. FWS, *International Wildlife Conservation Council*, <https://www.fws.gov/iwcc/> (last visited May 28, 2020).

²¹ H. COMM. ON NAT. RES. DEMOCRATIC STAFF, *MISSING THE MARK, AGAIN: THE TRUMP-ZINKE TROPHY HUNTING PROMOTION BOARD IS OFFENSIVE AND UNNECESSARY* 29 (2017), <https://naturalresources.house.gov/imo/media/doc/Missing%20the%20Mark%202017%20Update.pdf>.

Committee, the bill was referred to the Subcommittee on Water, Oceans, and Wildlife. On July 18, 2019, the Subcommittee held a hearing on the bill. On September 18, 2019, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Chair Grijalva offered an amendment in the nature of a substitute (ANS). Representative Tom McClintock (R-CA) offered an amendment designated McClintock #1 to the Grijalva ANS. The amendment was not agreed to by a roll call vote of 17 yeas and 18 nays, as follows:

Date: September 18, 2019

COMMITTEE ON NATURAL RESOURCES
116th Congress - Roll Call

Bill / Motion: H.R. 2245

Amendment: Mr. McClintock #1 amendment

Disposition: Not agreed to by a roll call vote of 17 yeas and 18 nays.

	DEM. MEMBERS (25)	YEAS	NAYS	PRESENT
1	Mr. Brown, MD			
2	Mr. Cartwright, PA			
3	Mr. Case, HI		X	
4	Mr. Clay, MO		X	
5	Mr. Costa, CA		X	
6	Mr. Cox, CA		X	
7	Mr. Cunningham, SC	X		
8	Ms. DeGette, CO		X	
9	Mrs. Dingell, MI		X	
10	Mr. Gallego, AZ			
11	Mr. Grijalva, AZ (Chair)		X	
12	Ms. Haaland, NM		X	
13	Mr. Horsford, NV		X	
14	Mr. Huffman, CA		X	
15	Mr. Levin, CA		X	
16	Mr. Lowenthal, CA		X	
17	Mr. McEachin, VA			
18	Ms. Napolitano, CA		X	
19	Mr. Neguse, CO		X	
20	Mr. Sablan, CNMI		X	
21	Mr. San Nicolas, GU		X	
22	Mr. Soto, FL		X	
23	Mr. Van Drew, NJ	X		
24	Mr. Tonko, NY		X	
25	Ms. Velázquez, NY			
	REP. MEMBERS (19)	Y	N	P
1	Mr. Bishop, UT (Ranking)	X		
2	Ms. Cheney, WY	X		
3	Mr. Cook, CA	X		
4	Mr. Curtis, UT	X		
5	Mr. Fulcher, ID	X		
6	Mr. Gohmert, TX	X		
7	Ms. González-Colón, PR	X		
8	Mr. Gosar, AZ	X		
9	Mr. Graves, LA			
10	Mr. Hern, OK	X		
11	Mr. Hice, GA	X		
12	Mr. Johnson, LA			
13	Mr. Lamborn, CO	X		
14	Mr. McClintock, CA	X		
15	Mrs. Radewagen, AS			
16	Mr. Webster, FL			
17	Mr. Westerman, AR	X		
18	Mr. Wittman, VA	X		
19	Mr. Young, AK	X		
	TOTALS	17	18	
	Total: 44 / Quorum: 15 / Report: 23	YEAS	NAYS	PRESENT

Representative Doug Lamborn (R-CO) offered an amendment designated Lamborn #2 to the Grijalva ANS. The amendment was not agreed to by a roll call vote of 16 yeas and 19 nays, as follows:

Date: September 18, 2019

COMMITTEE ON NATURAL RESOURCES
116th Congress - Roll Call

Bill / Motion: H.R. 2245

Amendment: Mr. Lamborn #2 amendment

Disposition: Not agreed to by a roll call vote of 16 yeas and 19 nays.

	DEM. MEMBERS (25)	YEAS	NAYS	PRESENT
1	Mr. Brown, MD			
2	Mr. Cartwright, PA			
3	Mr. Case, HI		X	
4	Mr. Clay, MO		X	
5	Mr. Costa, CA		X	
6	Mr. Cox, CA		X	
7	Mr. Cunningham, SC		X	
8	Ms. DeGette, CO		X	
9	Mrs. Dingell, MI		X	
10	Mr. Gallego, AZ			
11	Mr. Grijalva, AZ (Chair)		X	
12	Ms. Haaland, NM		X	
13	Mr. Horsford, NV		X	
14	Mr. Huffman, CA		X	
15	Mr. Levin, CA		X	
16	Mr. Lowenthal, CA		X	
17	Mr. McEachin, VA			
18	Ms. Napolitano, CA		X	
19	Mr. Neguse, CO		X	
20	Mr. Sablan, CNMI		X	
21	Mr. San Nicolas, GU		X	
22	Mr. Soto, FL		X	
23	Mr. Van Drew, NJ	X		
24	Mr. Tonko, NY		X	
25	Ms. Velázquez, NY			
	REP. MEMBERS (19)	Y	N	P
1	Mr. Bishop, UT (Ranking)	X		
2	Ms. Cheney, WY	X		
3	Mr. Cook, CA	X		
4	Mr. Curtis, UT	X		
5	Mr. Fulcher, ID	X		
6	Mr. Gohmert, TX	X		
7	Ms. González-Colón, PR	X		
8	Mr. Gosar, AZ	X		
9	Mr. Graves, LA			
10	Mr. Hern, OK	X		
11	Mr. Hice, GA	X		
12	Mr. Johnson, LA			
13	Mr. Lamborn, CO	X		
14	Mr. McClintock, CA	X		
15	Mrs. Radewagen, AS			
16	Mr. Webster, FL			
17	Mr. Westerman, AR	X		
18	Mr. Wittman, VA	X		
19	Mr. Young, AK	X		
	TOTALS	16	19	
	Total: 44 / Quorum: 15 / Report: 23	YEAS	NAYS	PRESENT

Representative Lamborn offered an amendment designated Lamborn #3 to the Grijalva ANS. The amendment was not agreed to by a roll call vote of 16 yeas and 19 nays, as follows:

Date: September 18, 2019

COMMITTEE ON NATURAL RESOURCES
116th Congress - Roll Call

Bill / Motion: H.R. 2245

Amendment: Mr. Lamborn #3 amendment

Disposition: Not agreed to by a roll call vote of 16 yeas and 19 nays.

	DEM. MEMBERS (25)	YEAS	NAYS	PRESENT
1	Mr. Brown, MD			
2	Mr. Cartwright, PA			
3	Mr. Case, HI		X	
4	Mr. Clay, MO		X	
5	Mr. Costa, CA		X	
6	Mr. Cox, CA		X	
7	Mr. Cunningham, SC		X	
8	Ms. DeGette, CO		X	
9	Mrs. Dingell, MI		X	
10	Mr. Gallego, AZ			
11	Mr. Grijalva, AZ (Chair)		X	
12	Ms. Haaland, NM		X	
13	Mr. Horsford, NV		X	
14	Mr. Huffman, CA		X	
15	Mr. Levin, CA		X	
16	Mr. Lowenthal, CA		X	
17	Mr. McEachin, VA			
18	Ms. Napolitano, CA		X	
19	Mr. Neguse, CO		X	
20	Mr. Sablan, CNMI		X	
21	Mr. San Nicolas, GU		X	
22	Mr. Soto, FL		X	
23	Mr. Van Drew, NJ	X		
24	Mr. Tonko, NY		X	
25	Ms. Velázquez, NY			
	REP. MEMBERS (19)	Y	N	P
1	Mr. Bishop, UT (Ranking)	X		
2	Ms. Cheney, WY	X		
3	Mr. Cook, CA	X		
4	Mr. Curtis, UT	X		
5	Mr. Fulcher, ID	X		
6	Mr. Gohmert, TX	X		
7	Ms. González-Colón, PR	X		
8	Mr. Gosar, AZ	X		
9	Mr. Graves, LA			
10	Mr. Hern, OK	X		
11	Mr. Hice, GA	X		
12	Mr. Johnson, LA			
13	Mr. Lamborn, CO	X		
14	Mr. McClintock, CA	X		
15	Mrs. Radewagen, AS			
16	Mr. Webster, FL			
17	Mr. Westerman, AR	X		
18	Mr. Wittman, VA	X		
19	Mr. Young, AK	X		
	TOTALS	16	19	
	Total: 44 / Quorum: 15 / Report: 23	YEAS	NAYS	PRESENT

No additional amendments were offered. The Grijalva ANS was agreed to by voice vote. The bill, as amended, was adopted and ordered favorably reported to the House of Representatives by a roll call vote of 19 yeas and 16 nays, as follows:

Date: September 18, 2019

COMMITTEE ON NATURAL RESOURCES
116th Congress - Roll Call

Bill / Motion: H.R. 2245

Amendment:

Disposition: Final Passage: H.R. 2245, as amended, was adopted and ordered favorably reported to the House of Representatives by a roll call vote of 19 yeas and 16 nays.

	DEM. MEMBERS (25)	YEAS	NAYS	PRESENT
1	Mr. Brown, MD			
2	Mr. Cartwright, PA			
3	Mr. Case, HI	X		
4	Mr. Clay, MO	X		
5	Mr. Costa, CA	X		
6	Mr. Cox, CA	X		
7	Mr. Cunningham, SC	X		
8	Ms. DeGette, CO	X		
9	Mrs. Dingell, MI	X		
10	Mr. Gallego, AZ			
11	Mr. Grijalva, AZ (Chair)	X		
12	Ms. Haaland, NM	X		
13	Mr. Horsford, NV	X		
14	Mr. Huffman, CA	X		
15	Mr. Levin, CA	X		
16	Mr. Lowenthal, CA	X		
17	Mr. McEachin, VA			
18	Ms. Napolitano, CA	X		
19	Mr. Neguse, CO	X		
20	Mr. Sablan, CNMI	X		
21	Mr. San Nicolas, GU	X		
22	Mr. Soto, FL	X		
23	Mr. Van Drew, NJ		X	
24	Mr. Tonko, NY	X		
25	Ms. Velázquez, NY			
	REP. MEMBERS (19)	Y	N	P
1	Mr. Bishop, UT (Ranking)		X	
2	Ms. Cheney, WY		X	
3	Mr. Cook, CA		X	
4	Mr. Curtis, UT		X	
5	Mr. Fulcher, ID		X	
6	Mr. Gohmert, TX		X	
7	Ms. González-Colón, PR		X	
8	Mr. Gosar, AZ		X	
9	Mr. Graves, LA			
10	Mr. Hern, OK		X	
11	Mr. Hice, GA		X	
12	Mr. Johnson, LA			
13	Mr. Lamborn, CO		X	
14	Mr. McClintock, CA		X	
15	Mrs. Radewagen, AS			
16	Mr. Webster, FL			
17	Mr. Westerman, AR		X	
18	Mr. Wittman, VA		X	
19	Mr. Young, AK		X	
	TOTALS	19	16	
	Total: 44 / Quorum: 16 / Report: 23	YEAS	NAYS	PRESENT

HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress—the following hearing was used to develop or consider H.R. 2245: legislative hearing by the Subcommittee on Water, Oceans, and Wildlife held on July 18, 2019.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title.

Section 2. Amendment to Prohibited Acts. This section amends section 9(a) of the Endangered Species Act (16 U.S.C. § 1538(a)) to prohibit the import or export to or from the U.S. of any sport-hunted trophy of an animal that is listed or proposed to be listed under the ESA without a permit.

Section 3. Imports of Sport-Hunted Trophies. This section amends section 10(a) of the ESA, expanding the conditions under which a permit for the import or export of a sport-hunted trophy can be issued. To issue a permit, FWS must study and make a determination as to whether or not the country in which the trophy hunting took place has adequate standards for conservation and monitoring, including a management plan for the species that: is actively implemented, addresses threats, provides significant conservation benefits, coordinates with neighboring countries, and ensures that any trophy hunting of the species does not contribute to a population's decline. The country must also demonstrate transparency, accountability, and verifiability in the implementation of the management plan and trophy hunting program. FWS is also directed to verify that hunting of the species enhances the conservation of the species, and that the trophy hunting benefits the local communities in which the hunting occurs. Finally, this section prohibits the import of elephant or lion trophies from Tanzania, Zimbabwe, and Zambia.

Section 4. Permit Fees for Sport-Hunted Trophy Imports. This section amends section 10(a)(2) of the ESA to ensure that permit applicants pay a permit fee that fully reimburses the United States for costs associated with processing the import permit application.

Section 5. This section requires that FWS make the permits public by publishing notice in the Federal Register.

Section 6. This section would have terminated the now-defunct International Wildlife Conservation Council.

Section 7. This section directs GAO to report to Congress on the effectiveness of trophy hunting as a tool for international wildlife conservation, including whether and how much of the fees and payments from hunters go toward conservation of the species, any information gaps in the verification process, and any recommended actions to ensure that trophy hunting is benefitting conservation.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET
ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 31, 2020.

Hon. RAÚL M. GRIJALVA,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2245, the CECIL Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Janani Shankaran.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 2245, CECIL Act			
As ordered reported by the House Committee on Natural Resources on September 18, 2019			
By Fiscal Year, Millions of Dollars	2020	2020-2025	2020-2030
Direct Spending (Outlays)	*	*	*
Revenues	*	*	*
Increase or Decrease (-) in the Deficit	*	*	*
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2031?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	Yes, Under Threshold
* = between -\$500,000 and \$500,000.			

Current law requires people to obtain a permit from the U.S. Fish and Wildlife Service (USFWS) to import or export sport-hunted trophies of species listed as endangered under the Endangered Species Act (ESA). The ESA defines a sport-hunted trophy as a whole dead animal or a readily recognizable part of an animal. H.R. 2245 would extend that requirement to species listed or proposed to be listed as threatened or endangered under the ESA. In those cases, USFWS would be required to determine, after a public notice and comment period, whether the country where the animal was killed provides for adequate conservation and monitoring of that species.

Using information from USFWS, CBO estimates that implementing the bill would result in a small increase in the agency's workload and costs. (In recent years, the agency has spent around \$1 million annually to review permit applications.) H.R. 2245 also would require applicants to pay all administrative costs associated with permit processing. USFWS charges a fee of \$100 per application; those fees are classified in the federal budget as discretionary offsetting collections. On that basis, we estimate that any additional costs incurred by USFWS under the bill would be offset by increased fees resulting in a negligible net effect on spending subject to appropriation.

H.R. 2245 also would direct the Government Accountability Office to report to the Congress on the effectiveness of trophy hunting in supporting international wildlife conservation efforts. Based on the costs of similar tasks, CBO estimates that implementing the provision would cost less than \$500,000; any spending would be subject to the availability of appropriated funds.

Enacting H.R. 2245 could increase revenues and associated direct spending from civil and criminal penalties collected under the ESA. CBO expects that additional violations of the ESA would occur infrequently and we estimate that the net reduction in the deficit would be insignificant over the 2020–2030 period.

H.R. 2245 would impose private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) on individuals who wish to import certain sport-hunted trophies. CBO estimates that the cost of the mandates would not exceed the annual threshold established in UMRA (\$168 million in 2020, adjusted annually for inflation) in each year.

The bill would:

- Require individuals to obtain a permit from USFWS to import sport-hunted trophies of species listed or proposed to be listed as threatened or endangered under the ESA;
- Prohibit individuals from obtaining permits to import lion and elephant trophies from Tanzania, Zambia, and Zimbabwe; and
- Require applicants to pay the full cost of processing those permit applications.

Using information from USFWS and industry sources, CBO expects that the number of individuals affected by the mandates would be very small, as would be their compliance costs because the new requirements are similar to USFWS regulations under current law.

H.R. 2245 contains no intergovernmental mandates as defined in UMRA.

The CBO staff contacts for this estimate are Janani Shankaran (for federal costs) and Lilia Ledezma (for mandates). The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to amend the Endangered Species Act of 1973 to strengthen protections for endangered and threatened species, as well as species proposed to be listed, by requiring certification by the Fish and Wildlife Service that any international trophy hunting

of those species enhances the conservation of the species before any import of the trophy would be permitted.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

According to CBO, H.R. 2245 would impose private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) on individuals who wish to import certain sport-hunted trophies. CBO estimates that the cost of the mandates would not exceed the annual threshold established in UMRA (\$168 million in 2020, adjusted annually for inflation) in each year.

The bill would:

- Require individuals to obtain a permit from USFWS to import sport-hunted trophies of species listed or proposed to be listed as threatened or endangered under the ESA;
- Prohibit individuals from obtaining permits to import lion and elephant trophies from Tanzania, Zambia, and Zimbabwe; and
- Require applicants to pay the full cost of processing those permit applications.

Using information from USFWS and industry sources, CBO expects that the number of individuals affected by the mandates would be very small, as would be their compliance costs because the new requirements are similar to USFWS regulations under current law.

H.R. 2245 contains no intergovernmental mandates as defined in UMRA.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics,

and existing law in which no change is proposed is shown in roman):

ENDANGERED SPECIES ACT OF 1973

* * * * *

PROHIBITED ACTS

SEC. 9. (a) GENERAL.—(1) Except as provided in sections 6(g)(2) and 10 of this Act, with respect to any endangered species of fish or wildlife listed pursuant to section 4 of this Act it is unlawful for any person subject to the jurisdiction of the United States to—

(A) import any such species into, or export any such species from the United States;

(B) take any such species within the United States or the territorial sea of the United States;

(C) take any such species upon the high seas;

(D) possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any such species taken in violation of subparagraphs (B) and (C);

(E) deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity, any such species;

(F) sell or offer for sale in interstate or foreign commerce any such species; or

(G) violate any regulation pertaining to such species or to any threatened species of fish or wildlife listed pursuant to section 4 of this Act and promulgated by the Secretary pursuant to authority provided by this Act.

(2) Except as provided in sections 6(g)(2) and 10 of this Act, with respect to any endangered species of plants listed pursuant to section 4 of this Act, it is unlawful for any person subject to the jurisdiction of the United States to—

(A) import any such species into, or export any such species from, the United States;

(B) remove and reduce to possession any such species from areas under Federal jurisdiction; maliciously damage or destroy any such species on any such area; or remove, cut, dig up, or damage or destroy any such species on any other area in knowing violation of any law or regulation of any state or in the course of any violation of a state criminal trespass law;

(C) deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity, any such species;

(D) sell or offer for sale in interstate or foreign commerce any such species; or

(E) violate any regulation pertaining to such species or to any threatened species of plants listed pursuant to section 4 of this Act and promulgated by the Secretary pursuant to authority provided by this Act.

(3) *Except as provided in section 10 of this Act, it is unlawful for any person to import into or export from the United States any sport-hunted trophy of a species listed or proposed to be listed under section 4(c) as a threatened species or endangered species.*

(b)(1) SPECIES HELD IN CAPTIVITY OR CONTROLLED ENVIRONMENT.—The provisions of subsections (a)(1)(A) and (a)(1)(G) of this section shall not apply to any fish or wildlife which was held in captivity or in a controlled environment on (A) December 28, 1973, or (B) the date of the publication in the Federal Register of a final regulation adding such fish or wildlife species to any list published pursuant to subsection (c) of section 4 of this Act: *Provided*, That such holding and any subsequent holding or use of the fish or wildlife was not in the course of a commercial activity. With respect to any act prohibited by subsections (a)(1)(A) and (a)(1)(G) of this section which occurs after a period of 180 days from (i) December 28, 1973, or (ii) the date of publication in the Federal Register of a final regulation adding such fish or wildlife species to any list published pursuant to subsection (c) of section 4 of this Act, there shall be a rebuttable presumption that the fish or wildlife involved in such act is not entitled to the exemption contained in this subsection.

(2)(A) The provisions of subsections (a)(1) shall not apply to—

(i) any raptor legally held in captivity or in a controlled environment on the effective date of the Endangered Species Act Amendments of 1978; or

(ii) any progeny of any raptor described in clause (i); until such time as any such raptor or progeny is intentionally returned to a wild state.

(B) Any person holding any raptor or progeny described in subparagraph (A) must be able to demonstrate that the raptor or progeny does, in fact, qualify under the provisions of this paragraph, and shall maintain and submit to the Secretary, on request, such inventories, documentation, and records as the Secretary may by regulation require as being reasonably appropriate to carry out the purposes of this paragraph. Such requirements shall not unnecessarily duplicate the requirements of other rules and regulations promulgated by the Secretary.

(c) VIOLATION OF CONVENTION.—(1) It is unlawful for any person subject to the jurisdiction of the United States to engage in any trade in any specimens contrary to the provisions of the Convention, or to possess any specimens traded contrary to the provisions of the Convention, including the definitions of terms in article I thereof.

(2) Any importation into the United States of fish or wildlife shall, if—

(A) such fish or wildlife is not an endangered species listed pursuant to section 4 of this Act but is listed in Appendix II of the Convention;

(B) the taking and exportation of such fish or wildlife is not contrary to the provisions of the Convention and all other applicable requirements of the Convention have been satisfied;

(C) the applicable requirements of subsection (d), (e), and (f) of this section have been satisfied; and

(D) such importation is not made in the course of a commercial activity;

be presumed to be an importation not in violation of any provision of this Act or any regulation issued pursuant to this Act.

(d) IMPORTS AND EXPORTS.—

(1) IN GENERAL.—It is unlawful for any person, without first having obtained permission from the Secretary, to engage in business—

(A) as an importer or exporter of fish or wildlife (other than shellfish and fishery products which (i) are not listed pursuant to section 4 of this Act as endangered species or threatened species, and (ii) are imported for purposes of human or animal consumption or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes) or plants; or

(B) as an importer or exporter of any amount of raw or worked African elephant ivory.

(2) REQUIREMENTS.—Any person required to obtain permission under paragraph (1) of this subsection shall—

(A) keep such records as will fully and correctly disclose each importation or exportation of fish, wildlife, plants, or African elephant ivory made by him and the subsequent disposition, made by him with respect to such fish, wildlife, plants, or ivory;

(B) at all reasonable times upon notice by a duly authorized representative of the Secretary, afford such representative access to his place of business, an opportunity to examine his inventory of imported fish, wildlife, plants, or African elephant ivory and the records required to be kept under subparagraph (A) of this paragraph, and to copy such records; and

(C) file such reports as the Secretary may require.

(3) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary and appropriate to carry out the purposes of this subsection.

(4) RESTRICTION ON CONSIDERATION OF VALUE OF AMOUNT OF AFRICAN ELEPHANT IVORY IMPORTED OR EXPORTED.—In granting permission under this subsection for importation or exportation of African elephant ivory, the Secretary shall not vary the requirements for obtaining such permission on the basis of the value or amount of ivory imported or exported under such permission.

(e) REPORTS.—It is unlawful for any person importing or exporting fish or wildlife (other than shellfish and fishery products which (1) are not listed pursuant to section 4 of this Act as endangered or threatened species, and (2) are imported for purposes of human or animal consumption or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes) or plants to fail to file any declaration or report as the Secretary deems necessary to facilitate enforcement of this Act or to meet the obligations of the Convention.

(f) DESIGNATION OF PORTS.—(1) It is unlawful for any person subject to the jurisdiction of the United States to import into or export from the United States any fish or wildlife (other than shellfish and fishery products which (A) are not listed pursuant to section 4 of this Act as endangered species or threatened species, and (B) are imported for purposes of human or animal consumption or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes) or plants, except at a port or ports designated by the Secretary of the Interior. For the pur-

poses of facilitating enforcement of this Act and reducing the costs thereof, the Secretary of the Interior, with approval of the Secretary of the Treasury and after notice and opportunity for public hearing, may, by regulation, designate ports and change such designations. The Secretary of the Interior, under such terms and conditions as he may prescribe, may permit the importation or exportation at nondesignated ports in the interest of the health or safety of the fish or wildlife or plants, or for other reasons if, in his discretion, he deems it appropriate and consistent with the purpose of this subsection.

(2) Any port designated by the Secretary of the Interior under the authority of section 4(d) of the Act of December 5, 1969 (16 U.S.C. 666cc-4(d)), shall, if such designation is in effect on the day before the date of the enactment of this Act, be deemed to be a port designated by the Secretary under paragraph (1) of this subsection until such time as the Secretary otherwise provides.

(g) VIOLATIONS.—It is unlawful for any person subject to the jurisdiction of the United States to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in this section.

EXCEPTIONS

SEC. 10. (a) PERMITS.—(1) The Secretary may permit, under such terms and conditions as he shall prescribe—

(A) any act otherwise prohibited by section 9 for scientific purposes or to enhance the propagation or survival of the affected species, including, but not limited to, acts necessary for the establishment and maintenance of experimental populations pursuant to subsection (j); or

(B) any taking otherwise prohibited by section 9(a)(1)(B) if such taking is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

(2)(A) No permit may be issued by the Secretary authorizing any taking referred to in paragraph (1)(B) unless the applicant therefor submits to the Secretary a conservation plan that specifies—

(i) the impact which will likely result from such taking;

(ii) what steps the applicant will take to minimize and mitigate such impacts, and the funding that will be available to implement such steps;

(iii) what alternative actions to such taking the applicant considered and the reasons why such alternatives are not being utilized; and

(iv) such other measures that the Secretary may require as being necessary or appropriate for purposes of the plan.

(B) If the Secretary finds, after opportunity for public comment, with respect to a permit application and the related conservation plan that—

(i) the taking will be incidental;

(ii) the applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such taking;

(iii) the applicant will ensure that adequate funding for the plan will be provided;

(iv) the taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and

(v) the measures, if any, required under subparagraph (A)(iv) will be met;
 and he has received such other assurances as he may require that the plan will be implemented, the Secretary shall issue the permit. The permit shall contain such terms and conditions as the Secretary deems necessary or appropriate to carry out the purposes of this paragraph, including, but not limited to, such reporting requirements as the Secretary deems necessary for determining whether such terms and conditions are being complied with.

(C) No permit may be issued by the Secretary under this Act for import of a sport-hunted trophy unless the applicant pays to the Secretary all administrative costs incurred by the United States that are associated with processing the permit application.

[(C)] (D) The Secretary shall revoke a permit issued under this paragraph if he finds that the permittee is not complying with the terms and conditions of the permit.

(3) Before issuing any permit under this Act authorizing import of any sport-hunted trophy of a species that is listed or proposed to be listed as an endangered or threatened species, the Secretary must make a finding after public notice and comment pursuant to section 553 of title 5, United States Code, of whether the country where the animal was killed adequately provides for the conservation and monitoring for that species, including that—

(A) a management plan for that species based on the best available science that—

(i) addresses existing threats to the species;

(ii) provides a significant conservation benefit to the species;

(iii) formally coordinates with adjacent countries to protect transboundary populations; and

(iv) ensures that any take is sustainable and does not contribute to the species' decline in either the short-term or long-term according to current population estimates derived through the use of the best available science;

(B) such management plan is being actively implemented;

(C) the country where the animal was killed demonstrates transparency, accountability, and verifiability in governance to ensure that any benefits of trophy hunting, including revenue from such taking, materially, directly and substantially benefits the conservation of that species;

(D) hunting of the species in such country enhances the propagation or survival of the species; and

(E) the local community in which the trophy hunting occurs directly and substantially benefits from the hunting of the species.

(4) Notwithstanding subsections (b) and (c)(2) of section 9, no permit may be issued by the Secretary for the import of a sport-hunted trophy of an elephant or lion taken in Tanzania, Zimbabwe, or Zambia.

(b) HARDSHIP EXEMPTIONS.—(1) If any person enters into a contract with respect to a species of fish or wildlife or plant before the date of the publication in the Federal Register of notice of consideration of that species as an endangered species and the subsequent listing of that species as an endangered species pursuant to section 4 of this Act will cause undue hardship to such person under the

contract, the Secretary, in order to minimize such hardship, may exempt such person from the application of section 9(a) of this Act to the extent the Secretary deems appropriate if such person applies to him for such exemption and includes with such application such information as the Secretary may require to prove such hardship; except that (A) no such exemption shall be for a duration of more than one year from the date of publication in the Federal Register of notice of consideration of the species concerned, or shall apply to a quantity of fish or wildlife or plants in excess of that specified by the Secretary; (B) the one-year period for those species of fish or wildlife listed by the Secretary as endangered prior to the effective date of this Act shall expire in accordance with the terms of section 3 of the Act of December 5, 1969 (83 Stat. 275); and (C) no such exemption may be granted for the importation or exportation of a specimen listed in Appendix I of the Convention which is to be used in a commercial activity.

(2) As used in this subsection, the term "undue economic hardship" shall include, but not be limited to:

(A) substantial economic loss resulting from inability caused by this Act to perform contracts with respect to species of fish and wildlife entered into prior to the date of publication in the Federal Register of a notice of consideration of such species as an endangered species;

(B) substantial economic loss to persons who, for the year prior to the notice of consideration of such species as an endangered species, derived a substantial portion of their income from the lawful taking of any listed species, which taking would be made unlawful under this Act; or

(C) curtailment of subsistence taking made unlawful under this Act by persons (i) not reasonably able to secure other sources of subsistence; and (ii) dependent to a substantial extent upon hunting and fishing for subsistence; and (iii) who must engage in such curtailed taking for subsistence purposes.

(3) The Secretary may make further requirements for a showing of undue economic hardship as he deems fit. Exceptions granted under this section may be limited by the Secretary in his discretion as to time, area, or other factor of applicability.

(c) NOTICE AND REVIEW.—The Secretary shall publish notice in the Federal Register of each application for an exemption or permit which is made under this section. *The Secretary shall publish notice in the Federal Register of each application for an exemption or permit which is made under this Act for a sport-hunted trophy of a species that is listed or proposed to be listed as an endangered species or threatened species.* Each notice shall invite the submission from interested parties, within thirty days after the date of the notice, of written data, views, or arguments with respect to the application; except that such thirty-day period may be waived by the Secretary in an emergency situation where the health or life of an endangered animal is threatened and no reasonable alternative is available to the applicant, but notice of any such waiver shall be published by the Secretary in the Federal Register within ten days following the issuance of the exemption or permit. Information received by the Secretary as part of any application shall be available to the public as a matter of public record at every stage of the proceeding.

(d) PERMIT AND EXEMPTION POLICY.—The Secretary may grant exceptions under subsections (a)(1)(A) and (b) of this section only if he finds and publishes his finding in the Federal Register that (1) such exceptions were applied for in good faith, (2) if granted and exercised will not operate to the disadvantage of such endangered species, and (3) will be consistent with the purposes and policy set forth in section 2 of this Act.

(e) ALASKA NATIVES.—(1) Except as provided in paragraph (4) of this subsection the provisions of this Act shall not apply with respect to the taking of any endangered species or threatened species, or the importation of any such species taken pursuant to this section, by—

(A) any Indian, Aleut, or Eskimo who is an Alaskan Native who resides in Alaska; or

(B) any non-native permanent resident of an Alaska native village;

if such taking is primarily for subsistence purposes. Non-edible by-products of species taken pursuant to this section may be sold in interstate commerce when made into authentic native articles of handicrafts and clothing; except that the provisions of this subsection shall not apply to any non-native resident of an Alaskan native village found by the Secretary to be not primarily dependent upon the taking of fish and wildlife for consumption or for the creation and sale of authentic native articles of handicrafts and clothing.

(2) Any taking under this subsection may not be accomplished in a wasteful manner.

(3) As used in this subsection—

(i) The term “subsistence” includes selling any edible portion of fish or wildlife in native villages and towns in Alaska for native consumption within native villages or towns; and

(ii) The term “authentic native articles of handicrafts and clothing” means items composed wholly or in some significant respect to natural materials, and which are produced, decorated or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or other mass copying devices. Traditional native handicrafts include, but are not limited to, weaving, carving, stitching, sewing, lacing, beading, drawing, and painting.

(4) Notwithstanding the provisions of paragraph (1) of this subsection, whenever the Secretary determines that any species of fish or wildlife which is subject to taking under the provisions of this subsection is an endangered species or threatened species, and that such taking materially and negatively affects the threatened or endangered species, he may prescribe regulations upon the taking of such species by any such Indian, Aleut, Eskimo, or non-native Alaskan resident of an Alaskan native village. Such regulations may be established with reference to species, geographical description of the area included, the season for taking, or any other factors related to the reason for establishing such regulations and consistent with the policy of this Act. Such regulations shall be prescribed after a notice and hearings in the affected judicial districts of Alaska and as otherwise required by section 103 of the Marine Mammal Protection Act of 1972, and shall be removed as soon as

the Secretary determines that the need for their impositions has disappeared.

(f)(1) As used in this subsection—

(A) The term “pre-Act endangered species part” means—

(i) any sperm whale oil, including derivatives thereof, which was lawfully held within the United States on December 28, 1973, in the course of a commercial activity; or

(ii) any finished scrimshaw product, if such product or the raw material for such product was lawfully held within the United States on December 28, 1973, in the course of a commercial activity.

(B) The term “scrimshaw product” means any art form which involves the substantial etching or engraving of designs upon, or the substantial carving of figures, patterns, or designs from, any bone or tooth of any marine mammal of the order Cetacea. For purposes of this subsection, polishing or the adding of minor superficial markings does not constitute substantial etching, engraving, or carving.

(2) The Secretary, pursuant to the provisions of this subsection, may exempt, if such exemption is not in violation of the Convention, any pre-Act endangered species part from one or more of the following prohibitions.

(A) The prohibition on exportation from the United States set forth in section 9(a)(1)(A) of this Act.

(B) Any prohibition set forth in section 9(a)(1) (E) or (F) of this Act.

(3) Any person seeking an exemption described in paragraph (2) of this subsection shall make application therefor to the Secretary in such form and manner as he shall prescribe, but no such application may be considered by the Secretary unless the application—

(A) is received by the Secretary before the close of the one-year period beginning on the date on which regulations promulgated by the Secretary to carry out this subsection first take effect;

(B) contains a complete and detailed inventory of all pre-Act endangered species parts for which the applicant seeks exemption;

(C) is accompanied by such documentation as the Secretary may require to prove that any endangered species part or product claimed by the applicant to be a pre-Act endangered species part is in fact such a part; and

(D) contains such other information as the Secretary deems necessary and appropriate to carry out the purposes of this subsection.

(4) If the Secretary approves any application for exemption made under this subsection, he shall issue to the applicant a certificate of exemption which shall specify—

(A) any prohibition in section 9(a) of this Act which is exempted;

(B) the pre-Act endangered species parts to which the exemption applies;

(C) the period of time during which the exemption is in effect, but no exemption made under this subsection shall have force and effect after the close of the three-year period begin-

ning on the date of issuance of the certificate unless such exemption is renewed under paragraph (8); and

(D) any term or condition prescribed pursuant to paragraph (5) (A) or (B), or both, which the Secretary deems necessary or appropriate.

(5) The Secretary shall prescribe such regulations as he deems necessary and appropriate to carry out the purposes of this subsection. Such regulations may set forth—

(A) terms and conditions which may be imposed on applicants for exemptions under this subsection (including, but not limited to, requirements that applicants register inventories, keep complete sales records, permit duly authorized agents of the Secretary to inspect such inventories and records, and periodically file appropriate reports with the Secretary); and

(B) terms and conditions which may be imposed on any subsequent purchaser of any pre-Act endangered species part covered by an exemption granted under this subsection;

to insure that any such part so exempted is adequately accounted for and not disposed of contrary to the provisions of this Act. No regulation prescribed by the Secretary to carry out the purposes of this subsection shall be subject to section 4(f)(2)(A)(i) of this Act.

(6)(A) Any contract for the sale of pre-Act endangered species parts which is entered into by the Administrator of General Services prior to the effective date of this subsection and pursuant to the notice published in the Federal Register on January 9, 1973, shall not be rendered invalid by virtue of the fact that fulfillment of such contract may be prohibited under section 9(a)(1)(F).

(B) In the event that this paragraph is held invalid, the validity of the remainder of the Act, including the remainder of this subsection, shall not be affected.

(7) Nothing in this subsection shall be construed to—

(A) exonerate any person from any act committed in violation of paragraphs (1)(A), (1)(E), or (1)(F) of section 9(a) prior to the date of enactment of this subsection; or

(B) immunize any person from prosecution for any such act.

(8)(A)(i) Any valid certificate of exemption which was renewed after October 13, 1982, and was in effect on March 31, 1988, shall be deemed to be renewed for a 6-month period beginning on the date of enactment of the Endangered Species Act Amendments of 1988. Any person holding such a certificate may apply to the Secretary for one additional renewal of such certificate for a period not to exceed 5 years beginning on the date of such enactment.

(B) If the Secretary approves any application for renewal of an exemption under this paragraph, he shall issue to the applicant a certificate of renewal of such exemption which shall provide that all terms, conditions, prohibitions, and other regulations made applicable by the previous certificate shall remain in effect during the period of the renewal.

(C) No exemption or renewal of such exemption made under this subsection shall have force and effect after the expiration date of the certificate of renewal of such exemption issued under this paragraph.

(D) No person may, after January 31, 1984, sell or offer for sale in interstate or foreign commerce, any pre-Act finished scrimshaw product unless such person holds a valid certificate of exemption

issued by the Secretary under this subsection, and unless such product or the raw material for such product was held by such person on October 13, 1982.

(g) In connection with any action alleging a violation of section 9, any person claiming the benefit of any exemption or permit under this Act shall have the burden of proving that the exemption or permit is applicable, has been granted, and was valid and in force at the time of the alleged violation.

(h) CERTAIN ANTIQUE ARTICLES.—(1) Sections 4(d), 9(a), and 9(c) do not apply to any article which—

(A) is not less than 100 years of age;

(B) is composed in whole or in part of any endangered species or threatened species listed under section 4;

(C) has not been repaired or modified with any part of any such species on or after the date of the enactment of this Act; and

(D) is entered at a port designated under paragraph (3).

(2) Any person who wishes to import an article under the exception provided by this subsection shall submit to the customs officer concerned at the time of entry of the article such documentation as the Secretary of the Treasury, after consultation with the Secretary of the Interior, shall by regulation require as being necessary to establish that the article meets the requirements set forth in paragraph (1) (A), (B), and (C).

(3) The Secretary of the Treasury, after consultation with the Secretary of the Interior, shall designate one port within each customs region at which articles described in paragraph (1) (A), (B), and (C) must be entered into the customs territory of the United States.

(4) Any person who imported, after December 27, 1973, and on or before the date of the enactment of the Endangered Species Act Amendments of 1978, any article described in paragraph (1) which—

(A) was not repaired or modified after the date of importation with any part of any endangered species or threatened species listed under section 4;

(B) was forfeited to the United States before such date of the enactment, or is subject to forfeiture to the United States on such date of enactment, pursuant to the assessment of a civil penalty under section 11; and

(C) is in the custody of the United States on such date of enactment;

may, before the close of the one-year period beginning on such date of enactment make application to the Secretary for return of the article. Application shall be made in such form and manner, and contain such documentation, as the Secretary prescribes. If on the basis of any such application which is timely filed, the Secretary is satisfied that the requirements of this paragraph are met with respect to the article concerned, the Secretary shall return the article to the applicant and the importation of such article shall, on and after the date of return, be deemed to be a lawful importation under this Act.

(i) NONCOMMERCIAL TRANSSHIPMENTS.—Any importation into the United States of fish or wildlife shall, if—

(1) such fish or wildlife was lawfully taken and exported from the country of origin and country of reexport, if any;

(2) such fish or wildlife is in transit or transshipment through any place subject to the jurisdiction of the United States en route to a country where such fish or wildlife may be lawfully imported and received;

(3) the exporter or owner of such fish or wildlife gave explicit instructions not to ship such fish or wildlife through any place subject to the jurisdiction of the United States, or did all that could have reasonably been done to prevent transshipment, and the circumstances leading to the transshipment were beyond the exporter's or owner's control;

(4) the applicable requirements of the Convention have been satisfied; and

(5) such importation is not made in the course of a commercial activity,

be an importation not in violation of any provision of this Act or any regulation issued pursuant to this Act while such fish or wildlife remains in the control of the United States Customs Service.

(j) EXPERIMENTAL POPULATIONS.—(1) For purposes of this subsection, the term “experimental population” means any population (including any offspring arising solely therefrom) authorized by the Secretary for release under paragraph (2), but only when, and at such times as, the population is wholly separate geographically from nonexperimental populations of the same species.

(2)(A) The Secretary may authorize the release (and the related transportation) of any population (including eggs, propagules, or individuals) of an endangered species or a threatened species outside the current range of such species if the Secretary determines that such release will further the conservation of such species.

(B) Before authorizing the release of any population under subparagraph (A), the Secretary shall by regulation identify the population and determine, on the basis of the best available information, whether or not such population is essential to the continued existence of an endangered species or a threatened species.

(C) For the purposes of this Act, each member of an experimental population shall be treated as a threatened species; except that—

(i) solely for purposes of section 7 (other than subsection (a)(1) thereof), an experimental population determined under subparagraph (B) to be not essential to the continued existence of a species shall be treated, except when it occurs in an area within the National Wildlife Refuge System or the National Park System, as a species proposed to be listed under section 4; and

(ii) critical habitat shall not be designated under this Act for any experimental population determined under subparagraph (B) to be not essential to the continued existence of a species.

(3) The Secretary, with respect to populations of endangered species or threatened species that the Secretary authorized, before the date of the enactment of this subsection, for release in geographical areas separate from the other populations of such species, shall determine by regulation which of such populations are an experimental population for the purposes of this subsection and whether

or not each is essential to the continued existence of an endangered species or a threatened species.

* * * * *

RAÚL M. GRIJALVA OF ARIZONA
CHAIRMAN

DAVID WATKINS
STAFF DIRECTOR

COMMITTEE CORRESPONDENCE

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

ROB BISHOP OF UTAH
RANKING REPUBLICAN

PARISH BRADEN
REPUBLICAN STAFF DIRECTOR

September 30, 2019

The Honorable Eliot L. Engel
Chair
Committee on Foreign Affairs
U.S. House of Representatives
2170 Rayburn House Office Building
Washington D.C. 20515

Dear Chair Engel,

I write to you concerning H.R. 2245 the, "Conserving Ecosystems by Ceasing the Importation of Large Animal Trophies Act" or the "CECIL Act."

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Foreign Affairs. I acknowledge that your Committee will not formally consider H.R. 2245 and agree that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in the bill that fall within your Committee's Rule X jurisdiction.

I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,



Raúl M. Grijalva
Chair
House Natural Resources Committee

Cc: The Honorable Rob Bishop, Ranking Member
The Honorable Thomas J. Wickham Jr., Parliamentarian

ELIOT L. ENGEL, New York
CHAIRMAN

JASON STERNBAUM
STAFF DIRECTOR

MICHAEL T. McCAUL, TEXAS
RANKING REPUBLICAN MEMBER

BRENDAN P. SHIELDS
REPUBLICAN STAFF DIRECTOR



One Hundred Sixteenth Congress
U.S. House of Representatives
Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, DC 20515
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October 1, 2019

The Honorable Raúl M. Grijalva
Chairman, Committee on Natural Resources
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Grijalva,

In recognition of the desire to expedite consideration of H.R. 2245, the "Conserving Ecosystems by Ceasing the Importation of Large Animal Trophies Act" or the "CECIL Act," the Committee on Foreign Affairs agrees to waive formal consideration of the bill as to provisions that fall within the Rule X jurisdiction of the Committee on Foreign Affairs.

The Committee on Foreign Affairs takes this action with the mutual understanding that we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and the Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any issues within our jurisdiction. I ask you to support the appointment of Committee on Foreign Affairs conferees during any House-Senate conference convened on this legislation.

Finally, thank you for agreeing to include a copy of our exchange of letters in the *Congressional Record* during floor consideration of H.R. 2245.

Sincerely,

ELIOT L. ENGEL
Chairman

The Honorable Raúl M. Grijalva
October 1, 2019
Page Two

Cc: Ranking Member Michael McCaul, Committee on Foreign Affairs
Ranking Member Rob Bishop, Committee on Natural Resources
Tom J. Wickham Jr., Parliamentarian

DISSENTING VIEWS

There is growing concern by environmentalists and anti-hunting activists that trophy hunting is leading to the rapid decline of species of megafauna in Africa, particularly rhinoceroses, cheetahs, leopards, elephants and lions.¹ H.R. 2245 purports to reduce the impact American sport hunters may be having by disincentivizing the safari hunting industry through importation bans on animal parts harvested through otherwise legal sport hunting.

An alternate view shared by many conservation groups suggests sport hunting has significant positive impacts to local, rural African communities that offer opportunities to sustainably hunt game on their lands. The revenue generated through lawful sport hunting is used by local governments to directly combat poaching and incentivizes rural communities to protect their wildlife herds by linking their renewable wildlife resource with sustainable local economic gains. Sport hunting is conducted in 23 African countries² and generates millions of dollars annually for these nations. For example, the economic impact in South Africa, Namibia, Botswana, and Zimbabwe was \$100 million, \$28.5 million, \$20 million and \$16 million, respectively, according to one study.³

Beyond the financial benefits the sport hunting provides for some African nations, there are other direct benefits to the ecosystems that remain protected through sport hunting. The vast areas kept from commercial development are beneficial to all wildlife species, not just those being pursued through legal hunting. Lands held relatively undeveloped for private sport hunting in Africa are estimated to exceed 540,000 square miles, which is 22% more land than is protected by national park designations on the continent.⁴ Furthermore, well-regulated hunting can help alleviate wildlife-human conflicts such as crop and property damage in rural communities. Often communities will look to eliminate wildlife when it is seen as a nuisance to agricultural production or even as a public safety threat.⁵ Recognizing this, countries that incentivize communities to protect species desired by sport hunters lead to benefits for local communities and wildlife alike.

¹“The effects of trophy hunting on five of Africa’s iconic wild animal populations in six countries—Analysis” Conservation Action Trust, January 2016. Available at: <https://conservationaction.co.za/resources/reports/effects-trophy-hunting-five-africas-iconic-wild-animal-populations-six-countries-analysis/>

²“Trophy Hunting and Conservation in Africa: Problems and One Potential Solution” Lindsey, Peter, Tropical Resource Ecology Programme, University of Zimbabwe, July 28, 2006. Available at: <http://www.the-eis.com/data/literature/Trophy%20hunting%20and%20conservation%20in%20Africa%20Problems%20and%20Done%20potential%20solution.pdf>

³*Id*

⁴*Id*

⁵“Ending trophy hunting could actually be worse for endangered species” Dickman, Amy. CNN.com. January, 4, 2018. Available at: <https://www.cnn.com/2017/11/24/opinions/trophy-hunting-decline-of-species-opinion-dickman/index.html>

The current process for obtaining a permit to import or export a legally sport-hunted trophy is an arduous task.⁶ The U.S. Fish and Wildlife Service (USFWS) administers the permit program for all wildlife protected under the Endangered Species Act (ESA) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora. Due to a recent D.C. Circuit Court decision,⁷ USFWS has withdrawn its countrywide enhancement findings for multiple species in a range of countries and, as a result, is now considering issuing permits on an application-by-application basis. Despite the revision to its process, USFWS still considers a multitude of stringent requirements that must be met by applicants to import sport-hunted trophies including: information demonstrating how the import will help improve species conservation; information on population status of species hunted, both at the countrywide and ecosystem level; information on hunting license or trophy fees paid and how those fees were used by the landowner, local community or government; information on other conservation activities being carried out by the hunting outfitter or landowner; whether species management programs of host countries are based on sound scientific principles; whether the management program identifies mechanisms that would protect from habitat loss or enhance habitat overall; whether the management program actively addresses loss of prey for hunted species due to poaching; whether government incentives are in place that encourage habitat protection by private landowners and local communities; whether sport hunting provides financial assistance to the wildlife department to carry out the management program; and if there is a compensation scheme or other incentives in place to benefit local communities that may be impacted by conflicts with hunted species.⁸ USFWS recommends applicants submit all necessary information no less than 18 months before they plan to engage in a hunt abroad. The application process is long and often applicants will go months without knowing the exact status of their permit application and whether it will be permitted by USFWS. Currently, USFWS is not processing any applications for import or export of sport-hunted African elephant trophies from any African nation.⁹

As illustrated above, the application process requires applicants to adhere to rigorous standards and supply more than ample information on conservation benefits resulting from importation of their prospective sport trophies. Despite these standards that demonstrate direct conservation benefit to sport-hunted species, Chairman Grijalva and proponents of this legislation are not convinced that there is value in continuing to incentivize American sportsmen to participate in the lawful hunting of certain ESA-listed species found in foreign countries. The Committee heard testimony from Dr. Patience Gandiwa of Zimbabwe Parks and Wildlife Management Authority, under the Ministry of Environment, Tourism and

⁶See “Hunting Oversees—How can I import sport-hunted trophies?” U.S. Fish and Wildlife Service, International Affairs. Available at <https://www.fws.gov/international/permits/by-activity/sport-hunted-trophies.html>

⁷See *Safari Club Int’l, et al. v. Zinke, et al.*, No. 16–5358 (D.C. Cir. Dec 22, 2017)

⁸See “Hunting Oversees—How can I import sport-hunted trophies?” U.S. Fish and Wildlife Service, International Affairs. Available at <https://www.fws.gov/international/permits/by-activity/sport-hunted-trophies.html>

⁹*Id.*

Hospitality, which is the government agency responsible for managing the conservation of species, some of which are hunted at sustainable quotas. The testimony received was in explicit opposition to the legislation under consideration, H.R. 2245. Among her main arguments against the bill, Dr. Gandiwa cites the detrimental impact the bill would have on Zimbabwe's main funding source for their national conservation programs, anti-poaching efforts, and rural economic development. As a broad collation of hunting and conservation organizations highlight in a letter of opposition they submitted for the record to the Committee points out, "the bill's blanket prohibition against the importation of any elephant or lion from Tanzania, Zimbabwe, or Zambia ignores the science that demonstrates the conservation benefits of existing hunting programs—programs that enable these countries to support some of the largest elephant and lion populations in the world."

During Committee consideration of this measure, Republicans offered amendments to address these many issues. Despite some bipartisan support, the amendments were defeated by a majority of the Democrats.

For these many reasons, we oppose this bill.

ROB BISHOP.
DON YOUNG.
DOUG LAMBORN.
PAUL A. GOSAR.
BRUCE WESTERMAN.
JODY HICE.
RUSS FULCHER.

